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July 12, 2017

VIA ECF

Honorable Barbara L. Moses, U.S.M.J.
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Malik Nimmons v. Police Officer Peter Marter et al.,
17 CV 5586 (AJN) (BCM)

Your Honor:

I am the Assistant Corporation Counsel, in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, assigned to represent defendants Police Officer Peter Marter and Police Officer Timothy Finn (collectively, “Defendants”)¹ in the above-referenced matter. I write in response to the Court’s Order dated June 22, 2018 (*see*, Dkt. No. 52) to request an additional eight days, from July 12th to July 20th, to produce the relevant entries from Police Officer Jerome Packtor’s memo book for April 18, 2016. Plaintiff’s counsel has not responded to requests for their position on the instant letter motion.

By way of background, Plaintiff has brought the instant lawsuit alleging, *inter alia*, that on April 18, 2016, he was falsely arrested by Defendant Police Officer Peter Marter and other members of the New York City Police Department (“NYPD”). After disputes were raised with the Court concerning document request and interrogatory responses, Your Honor

¹ It is my understanding that defendants Sgt. Logan Lefkowitz, Police Officer Victoria Lynch, and Police Officer Jerome Packtor were served on or about July 3, 2018. As a result, this office is in the process of determining whether it may represent those officers in advance of their deadline to answer on or about July 24, 2018. *See*, Fed. R. Civ. P. 12(a)(1)(A).

Ordered Defendants to disclose by July 12 2018, any “all remaining records” related to Plaintiff’s arrest on April 18, 2016, “to the extent such documents exist.” (*see*, Dkt. No. 52).

Today, after a diligent search, Defendants are disclosing to Plaintiff the relevant entries from the memo books of Sgt. Logan Lefkowitz and Police Officer Victoria Lynch, two property clerk invoices related to Plaintiff’s April 18, 2016, arrest, and a pre-arraignment screening form. Police Officer Packtor has been diligently searching for his memo book from the date of plaintiff’s arrest and continues to search for it. Upon information and belief, no further documents related to Plaintiff’s April 18, 2016, arrest are known by defendants to still exist.

In light of the above, Defendants respectfully request that Your Honor extend their deadline from July 12, 2018, to July 20, 2018, to continue to search for and disclose the relevant entries from Police Office Jerome Packtor’s memo book.

Thank you for your consideration of this matter.

Respectfully submitted,

/s//
Peter W. Bocker
Assistant Corporation Counsel

cc: All Counsel of Record (via ECF)